

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD OF MEDICAL EXAMINERS
)	
YUCHUN HAN, M.D.)	
RESPONDENT)	CASE NO: 2011020071
)	
CHATTANOOGA, TENNESSEE)	
TENNESSEE LICENSE NO. 35053)	

CONSENT ORDER

Come now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and Respondent Yuchun Han, M.D. (hereinafter "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

I. AUTHORITY AND JURISDICTION

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules

and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent Yuchun Han, M.D., by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/ or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

II. STIPULATIONS OF FACT

1. Respondent was granted Tennessee medical license number 35053 by the Board on March 27, 2001, which will expire on June 30, 2015.

2. Respondent left blank, pre-signed prescriptions while out of the country for unlicensed office staff to give to patients. None of the prescriptions were ever given to patients or otherwise used. This is the only time this activity occurred.
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III. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

3. The facts stipulated in paragraph 2, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

4. The facts stipulated in paragraph 2, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(4):

... [N]egligence or incompetence in the course of medical practice;

IV. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

V. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

5. The Tennessee medical license of Yuchun Han, M.D, license number 35053, is hereby **REPRIMANDED**, effective the entry of this order.
6. Respondent must enroll in and successfully complete within one (1) year of the effective date of this Order, the medical course entitled "*Prescribing Controlled Drugs*" offered at The Center for Professional Health at Vanderbilt University Medical Center located in Nashville, Tennessee, or an equivalent course approved in advance by the Board. Within thirty (30) days after completion of such course, Respondent shall mail or deliver proof of compliance with this course requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243**. Any Continuing Medical Education (hereinafter "CME") course hours earned from attendance and completion of the course required.
7. By March 1, 2014, Respondent shall obtain practice monitoring provided by Affiliated Monitors, Inc. in Boston, Massachusetts (or an equivalent organization approved in advance in writing by the Board). This monitoring shall consist of bi-annual review for a period of five (5) years. The monitor shall review at least ten (10) randomly-selected charts of patients who received controlled substances during the immediately preceding six (6) months. The monitor will review the charts for compliance with the requirements of applicable law and the accepted standards of medical practice. A report of the monitor's review of Respondent's medical records and prescribing shall be transmitted every six (6) months to: **Tennessee Board of Medical Examiners, Attn: Medical Director, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee, 37243**. The first

report shall be due no later than September 1, 2014 and subsequent reports shall be due every six months thereafter, with the last report due March 1, 2019. The report should address at a minimum the following: (1) Respondent's documentation of appropriate physical examinations and histories, diagnostic testing, and specialist consultations, as necessary for establishing an appropriate diagnosis; (2) Respondent's use of alternative, non-narcotic modalities; (3) Respondent's documentation of the patient's prior medical history, including prior medical records; (4) Respondent's efforts to monitor for and appropriately respond to, evidence of abuse and diversion, including use of drug screens, patient contracts, and medication counts; and (5) Respondent's documentation of treatment plans, including periodic review of the necessity for and effectiveness of the controlled substance therapy. Respondent is responsible for all fees associated with this monitoring and is responsible for ensuring compliance with the terms of this monitoring.

8. Respondent is assessed and must pay, pursuant to TENN. CODE ANN. §63-6-214 and Rule 0880-02-.12(1)(h) of the Official Compilation Rules and Regulations of the State of Tennessee, Two (2) Type "C" Civil Penalties in the amount of One Hundred Dollars (\$100.00) each for a total of Two Hundred Dollars (\$200.00), representing each violation of the Practice Act.
9. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an

Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be One Thousand Dollars (\$1,000.00).

10. Respondent understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency.

VI. NOTICE

11. Any and all civil penalties and/or costs shall be paid in full within sixty (60) days from the issuance of the Assessment of Costs by submitting a **certified check, cashier's check, or money order** payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the civil penalties and/or costs of **Yuchun Han, M.D., Case No. 2011020071**.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 29 day of January, 2014.

Michael J. Farrell
Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:

Yuchun Han
Yuchun Han, M.D.
Respondent
Tennessee License Number 35053
1626 Gunbarrel Road
Chattanooga, Tennessee 37421-7125

12/2/2013
DATE

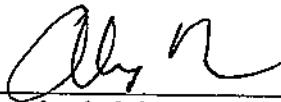
Alex Munderloh
Alex Munderloh (B.P.R. #030274)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

1/29/14
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Yuchun Han, M.D., 1626 Gunbarrel Road, Chattanooga, Tennessee 37421-7125, by delivering same in the United States Mail, Certified Number 7013 2630 0000 9837 0551, return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 30TH day of January, 2014.



Alex Munderloh
Assistant General Counsel